

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY CLINTON VAN SICKLE,

Defendant.

CASE NO. CR18-0250JLR

ORDER

Before the court is Defendant Troy Clinton Van Sickle's motion for early termination of supervised release. (Mot. (Dkt. ## 111 (sealed), 109 (redacted)); Reply (Dkt. # 114).) Plaintiff the United States of America ("the Government") and United States Probation and Pretrial Services ("Probation") oppose Mr. Van Sickle's motion. (Govt. Resp. (Dkt. # 113); Probation Resp. (Dkt. # 115 (sealed))). The court has considered the parties' submissions, the relevant portions of the record, and the applicable law. Being fully advised, the court DENIES Mr. Van Sickle's motion for early termination of supervised release.

1 On June 24, 2019, Mr. Van Sickle pleaded guilty to one count of mail fraud in  
2 violation of 18 U.S.C. § 1341. (Plea Agreement (Dkt. # 36).) On September 30, 2019,  
3 the court sentenced Mr. Van Sickle to 30 months of imprisonment followed by three  
4 years of supervised release. (Judgment (Dkt. # 49) at 2-3.) It also ordered Mr. Van  
5 Sickle to pay \$250,000 in restitution. (*Id.* at 6.) On October 12, 2021, the court granted  
6 the Government's motion to reduce Mr. Van Sickle's sentence pursuant to Federal Rule  
7 of Civil Procedure 35(b) and reduced the sentence to time served. (Rule 35(b) Mot. (Dkt.  
8 # 103 (sealed)); 2d Am. Judgment (Dkt. # 108) at 2.) The court, however, maintained the  
9 requirements that Mr. Van Sickle complete three years of supervised release and pay  
10 restitution. (2d Am. Judgment at 3, 6.) Thus, Mr. Van Sickle's period of supervised  
11 release began on October 12, 2021, and is set to expire on October 11, 2024. (*See*  
12 Probation Resp.)

13 Mr. Van Sickle had a positive record while in prison. (*See* Mot. at 4-5; Rule 35(b)  
14 Mot. at 2-4.) Since his release, he has performed well on supervision. He has complied  
15 with his conditions of supervision, has regularly paid his restitution obligation, and, as a  
16 low-risk releasee, has been placed on an administrative supervision caseload. (Mot. at 5;  
17 5/31/23 Nelson Decl. (Dkt. ## 111 (sealed), 109 (redacted)) ¶¶ 2-3, Ex. A (restitution  
18 payment history); Prob. Resp.) He has also maintained a positive record of employment  
19 and a steady relationship with his partner and her sons. (5/31/23 Nelson Decl. ¶¶ 4-5,  
20 Exs. B-C (letters from employer and partner).)

21 Mr. Van Sickle argues that supervised release is warranted because he has "shown  
22 himself to be a law-abiding, productive, and caring . . . member of society" in the ten

1 years since he committed the offense for which he was convicted. (Mot. at 5.) The  
2 Government opposes the motion in light of Mr. Van Sickle's lengthy criminal history, the  
3 facts of the offense for which Mr. Van Sickle was convicted, the amount of restitution  
4 that Mr. Van Sickle still owes, and the low supervision burden imposed by being placed  
5 on the administrative caseload. (Govt. Resp. at 2-3 (citing PSR (Dkt. # 39 (sealed))  
6 ¶¶ 9-14, 34-43).) Probation also opposes early termination of supervision because of Mr.  
7 Van Sickle's criminal history, the amount of restitution still owed, and the low burden of  
8 supervision on an administrative caseload. (Probation Resp.)

9       After considering the factors set forth in 18 U.S.C. § 3553(a), a court may  
10 "terminate a term of supervision . . . at any time after the expiration of one year of  
11 supervised release" if such action is warranted by the defendant's conduct and in the  
12 interests of justice. *See* 18 U.S.C. § 3583(e)(1). The court is pleased to see Mr. Van  
13 Sickle's progress toward building a healthy, stable life. However, the court agrees with  
14 the Government and Probation that termination of supervision at this time would be  
15 premature in light of Mr. Van Sickle's criminal history and the amount of restitution still  
16 owed. The court would like to see Mr. Van Sickle demonstrate continued success over a  
17 longer period before it will consider terminating his period of supervised release.

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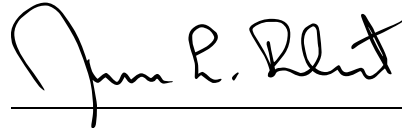
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1 Accordingly, having considered the 18 U.S.C. § 3553(a) factors, the court DENIES Mr.  
2 Van Sickle's motion for early termination of supervised release (Dkt. # 111).

3 Dated this 13th day of June, 2023.

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6 JAMES L. ROBART  
7 United States District Judge  
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